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10 **FUJITSU LIMITED**

FILED
DISTRICT COURT OF GUAM
NOV 20 2006
MARY L.M. MORAN
CLERK OF COURT

11
12 IN THE UNITED STATES DISTRICT COURT

13 DISTRICT OF GUAM

14 **NANYA TECHNOLOGY CORP.,**

CIVIL CASE NO. 06-CV-00025

15 Plaintiff,

16 -v-

**FUJITSU LIMITED'S MOTION FOR
LEAVE TO FILE PORTABLE
DOCUMENT FORMAT ("PDF") AND
FACSIMILES COPIES PENDING
RECEIPT OF ORIGINAL**

17 **FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,**

[NO ORAL ARGUMENT REQUESTED]

18 Defendants.
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ORIGINAL

NOW COMES Defendant Fujitsu Limited¹ ("Fujitsu") and respectfully moves this Honorable Court for leave to file herewith PDF and/or facsimile copies of the following documents pending receipt of the originals:

- 1) **Shigeshi Tanaka Declaration in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**
- 2) **Shigeru Kitano Declaration in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**
- 3) **Yuichi Sakoda Declaration in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**
- 4) **Takao Miura Declaration in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**
- 5) **Katsuya Irie Declaration in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**
- 6) **Declaration of Michael M. Murray in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**
- 7) **Declaration of Christopher E. Chalsen in Support of Fujitsu Limited's Objections to the Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited;**

This motion is made pursuant to GR 5.1(a) of the Local Rules of Practice for the District Court of Guam. Fujitsu seeks leave to file the copies pending receipt of the originals on the ground that the signatories are located in Japan and New York, and it was not possible in the time available to transmit the originals to Guam for filing. The original documents are being sent

¹ Fujitsu is filing herewith an objection to an ex parte Order regarding the means of service of process upon it. The filing of this procedural motion is necessary to those objections. It is not a waiver of Fujitsu's continuing objections with regard to service.

Similarly, in filing this necessary procedural motion, Fujitsu does not in any way consent to personal jurisdiction over it in this matter, and respectfully reserves the right to raise that issue

1 to counsel, and will be filed with the Court upon receipt. Pending receipt of the originals, Fujitsu
2 therefore requests leave to file the pdf and/or facsimile copies, which are being filed herewith.

3 Respectfully submitted this 20th day of November, 2006.

4 CALVO & CLARK, LLP
5 Attorneys at Law
6 Attorneys for Defendant
7 *Fujitsu Limited*

8 By: 

DANIEL M. BENJAMIN

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27 (and others as permitted under Fed. R. Civ. Proc. 12) in its first responsive pleading if and when it
28 is properly served with the complaint in this matter.